

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY,
BENCH AT AURANGABAD**

CRIMINAL APPLICATION NO.5138 OF 2015

Namdeo s/o Dattu @ Dattatraya Kale
Age 29 years, Occu. Agriculture,
R/o Pendapur, Taluka Gangapur,
District Aurangabad

..Applicant

Versus

The State of Maharashtra,
through Police Station Officer,
Gangapur Police Station, Gangapur,
District Aurangabad

..Respondent

Mr N.B. Suryawanshi, Advocate for applicant
Mr S.N. Morampalle, A.P.P. for respondent

CORAM : N.W. SAMBRE, J.

DATE : 20th October 2015

PER COURT

Heard learned Counsel for the applicant and learned A.P.P.

2. The applicant is seeking regular bail in Sessions Case No.22 of 2012 based on Crime No.I-68/2010, for the offences punishable under Sections 143, 147, 148, 149, 332, 353, 379, 307, 109, 504, 506 of Indian Penal Code and under Sections 21(1) (2) (3) (4) of the Mines and Minerals Act.

3. It is the case of the present applicant that since he has jumped the earlier bail, his bail came to be cancelled because of his repeated absence during the trial.

4. Mr Suryawanshi, learned Counsel for the applicant while trying to make out the case for grant of bail, after rejection of the same on 12th August 2015 would urge that there is change in circumstance that the charge was framed on 2nd September 2015 and thereafter as per the programme, the attendance of witnesses was scheduled on 11th 15th and 20th September 2015, on which not a single witness remained present. In addition to above, he submits that the applicant's wife is carrying pregnancy and as such, the Doctor has advised appropriate care.

5. The application is opposed by learned Additional Public Prosecutor on the ground that the applicant is in habit of jumping the bail. He would urge that there are no subsequent developments which prompts this Court to grant bail to the applicant. He would further urge that the application be rejected, as the trial before the Court below is already commenced.

6. Having analysed the case papers, it is noticed that the applicant herein was ordered to be released on regular bail in the above referred crime. As he has jumped the bail, his bail came to be cancelled.

7. It is required to be noted that after framing of the charge, the date of the attendance of witnesses though was given, however, the trial could not proceed further. Apart from above, the applicant undertakes through his Counsel that he shall attend every date before

the trial Court and a single absence would entail cancellation of his bail.

8. In view thereof, it will appropriate, in my opinion, to grant the present applicant bail on the same terms on which he was released earlier.

9. Criminal Application stands allowed in above terms.

(N.W. SAMBRE, J.)

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